

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 29283 of 2007()

OS.140/2004 of MUNI-MAGI.COURT,PONNANI
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PETITIONER:

KORPULLI HAMZA, S/O.KUTTU,
NANNAMMUKKU AMSOM,THEKKUMMURI DESOM IN PONNANI
TALUK.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENT:

KORPUNNLI ALVI, S/O.KUTTU,
NANNAMMUKKU AMSOM,
THEKKUMMURI DESOM, IN PONNANI TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.29283 of 2007

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Dated this the 4th day of October, 2007.

JUDGMENT

This Writ Petition is filed challenging Ext.P2 order passed in I.A.No.272 of 2007 in O.S.No.140 of 2004 of the Munsiff Magistrate, Ponnani. The said application is one for remitting the Commissioner's report. The applicant is the plaintiff. He had moved an application before the court on an earlier occasion as I.A.No.751 of 2006 for setting aside the Commissioner's report. The court permitted the matter to be remitted on deposit of Commission batta. In spite of repeated chances, the plaintiff did not remit the Commission batta and ultimately, the court closed the matter.

2. Thereafter with the very same prayer, a new application is filed. When the suit is filed by the plaintiff, he has to be eager and careful to prosecute the matter. The court had given him ample opportunity, but the petitioner did not deposit the batta.

It appears as if the petitioner wanted for the closure of that I.A. to file a new application. In spite of repeated chances he did not comply with the order of the court. Therefore, one cannot go on giving him chances whenever it suits him.

3. Therefore, I do not want to interfere with the order of the learned Munsiff and therefore the Writ Petition is dismissed. But I make it clear that the writ petitioner can adduce evidence in the case in order to substantiate his contention.

M.N.Krishnan,
Judge.